

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAMES PAUL ANDREW TORFASON,  
Plaintiff,  
v.  
CALIFORNIA FORENSIC MEDICAL  
GROUP, et al.,  
Defendants.

Case No. [22-cv-03458-JSW](#)

**THIRD ORDER OF SERVICE**

The Clerk issued summons, and the Marshal was unable to serve Defendant Wellpath Community Care, LLC, (“Wellpath”) at a San Diego address provided by Plaintiff. Plaintiff then provided a new address for Wellpath in Nashville, Tennessee, but the Marshal’s attempt at service there was unsuccessful. A new address for Wellpath has come to the Court’s attention. Service will be attempted a third time at the new address. If service cannot be accomplished there, the case will be dismissed under Rule 4(m) of the Federal Rules of Civil Procedure for lack of service unless Plaintiff shows cause why not.

1. The Clerk shall issue a summons and the United States Marshal shall serve, without prepayment of fees, the summons, a copy of the amended complaint (ECF No.13) with all attachments thereto, and a copy of both the “Order Granting Motion to File Amended Complaint; Of Service” (ECF No. 15) and this order on Wellpath at:

Wellpath Community Care, LLC.  
1084 Corporate Creations Network Inc.  
4640 Admiralty Way 5th Floor,  
Marina Del Rey, CA 90292

2. Defendant Wellpath **shall** file an answer in accordance with the Federal Rules of Civil Procedure.

3. In order to expedite the resolution of this case:

1 a. No later than **91 days** from the date this order is filed Defendant Wellpath shall  
2 file a motion for summary judgment or other dispositive motion. If Defendant is of the opinion  
3 that this case cannot be resolved by summary judgment, it shall so inform the court prior to the  
4 date the summary judgment motion is due. All papers filed with the court shall be promptly  
5 served on the plaintiff.

6 b. Plaintiff's opposition to the dispositive motion, if any, shall be filed with the  
7 court and served upon Defendant Wellpath no later than **28 days** from the date of service of the  
8 motion. Plaintiff must read the attached page headed "NOTICE -- WARNING," which is  
9 provided to him pursuant to *Rand v. Rowland*, 154 F.3d 952, 953-954 (9th Cir. 1998) (en banc),  
10 and *Klinge v. Eikenberry*, 849 F.2d 409, 411-12 (9th Cir. 1988).

11 c. Defendant Wellpath **shall** file a reply brief no later than **14 days** after the date of  
12 service of the opposition.

13 d. The motion shall be deemed submitted as of the date the reply brief is due. No  
14 hearing will be held on the motion unless the court so orders at a later date.

15 e. Along with his motion, Defendant Wellpath shall file proof that they served  
16 plaintiff the *Rand* warning at the same time they served him with their motion. Failure to do so  
17 will result in the summary dismissal of their motion.

18 5. All communications by the plaintiff with the court must be served on Defendant  
19 Wellpath or its counsel once counsel has been designated, by mailing a true copy of the document  
20 to Defendant Wellpath or its counsel.

21 6. Discovery may be taken in accordance with the Federal Rules of Civil Procedure. No  
22 further court order under Federal Rule of Civil Procedure 30(a)(2) or Local Rule 16-1 is required  
23 before the parties may conduct discovery.

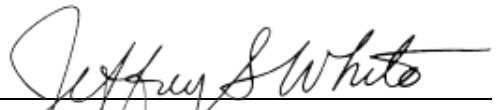
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7. It is the plaintiff's responsibility to prosecute this case. Plaintiff must keep the court informed of any change of address and must comply with the court's orders in a timely fashion. Failure to do so may result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

**IT IS SO ORDERED.**

Dated: June 20, 2024

  
JEFFREY S. WHITE  
United States District Judge

United States District Court  
Northern District of California